

House Study Bill 247

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to animal feeding operations, by providing for
2 chronic complaints.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2721HC 81
5 da/pj/5

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1 1 Section 1. Section 459.601, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. A person shall be designated as a
1 4 chronic complainant if the person files three or more
1 5 complaints under this subsection with a county board of
1 6 supervisors or the department, and the county board of
1 7 supervisors or the department determines that each complaint
1 8 does not contain an allegation that constitutes a violation of
1 9 this chapter. If a chronic complainant files a subsequent
1 10 complaint with the county board of supervisors or the
1 11 department under this subsection, and the county board of
1 12 supervisors or the department determines that the complaint
1 13 does not contain an allegation that constitutes a violation,
1 14 the chronic complainant shall be liable to all of the
1 15 following persons for the designated costs:
1 16 (1) The county or department for administrative costs
1 17 incurred by the county or the department relating to its
1 18 investigation of the allegation.
1 19 (2) The owner of the animal feeding operation for costs
1 20 incurred or damages proximately caused by an investigation of
1 21 the allegation.

EXPLANATION

1 22
1 23 This bill amends a provision in Code chapter 459, the
1 24 "Animal Agriculture Compliance Act". The bill amends Code
1 25 section 459.601, which provides that a person may file a
1 26 complaint alleging that an animal feeding operation is in
1 27 violation of the Code chapter. The person may file the
1 28 complaint with the county board of supervisors where the
1 29 alleged violation occurs or the department of natural
1 30 resources. If the county board of supervisors determines that
1 31 the allegation constitutes a violation, the board must forward
1 32 the complaint to the department for further investigation and
1 33 possible enforcement.

1 34 The bill provides that a person is to be designated as a
1 35 chronic complainant if the person files three or more
2 1 complaints with a county board of supervisors or the
2 2 department, and the board or the department determines that
2 3 the complaint does not contain an allegation that constitutes
2 4 a violation of the Code chapter. Once a person is classified
2 5 as a chronic complainant, the person's next complaint must
2 6 contain an allegation that the board or department determines
2 7 constitutes a violation or else the chronic complainant is
2 8 liable to the county or department for the costs of the
2 9 investigation and to the owner of the animal feeding operation
2 10 for costs or damages arising from the investigation.
2 11 LSB 2721HC 81
2 12 da:nh/pj/5